

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.6328 of 2006

Dated: 31.03.2006

Between:

The Depot Manager, APSRTC, Jeedimetla, Rangareddy District.

.... PETITIONER

AND

Uppala Mallesh, S/o Balaiah, R/o 1-38-1492, Indramma Nagar,
Rasoolpura, Secunderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.6328 of 2006

Order:

The present writ petition is filed by the APSRTC questioning the award dated 25.02.2005 in I.D. No.42 of 2005 on the file of the Industrial Tribunal-II cum Labour Court, Hyderabad.

Respondent No.1 was appointed as a Driver in the petitioner-Corporation in the year 1982. While working as such, on 03.05.1996 the bus driven by him met with an accident leading to the death of a cyclist. A case of rash and negligent driving was registered against respondent No.1. A departmental enquiry was initiated against respondent No.1. The charges of rash and negligent driving having been proved in the enquiry, he was removed from service by order dated 08.07.2002. After exhausting the remedies of appeal and revision, respondent No.1 raised an industrial dispute in I.D. No.42 of 2005 and the Labour Court by order impugned in this writ petition directed the petitioner-Corporation to reinstate respondent No.1 into service with continuity of service and 50% of back wages.

Questioning the said award, the management/APSRTC filed the present writ petition on the ground that the Labour Court has not considered the evidence available on record and erred in setting aside the removal order and directing reinstatement of respondent No.1 into service with continuity of service and 50% of back wages.

Heard the learned Standing Counsel for the petitioner-Corporation, learned Government Pleader for Labour and learned counsel for respondent No.1, and perused the award under challenge.

In the domestic enquiry except the co-worker of the petitioner i.e., the service Conductor, no other eye-witness was examined to establish the charges leveled against respondent No.1, and the service conductor also did not support the case of the management before the domestic enquiry officer. Further, respondent No.1 was acquitted from C.C. No.616 of 1996, which was filed for the very same charges. The Labour Court, after taking the said circumstances into consideration, found that the management failed to prove the allegations against respondent No.1 and accordingly passed the impugned award directing the petitioner-Corporation to reinstate respondent No.1 into service with continuity of service and 50% of back wages, and no exception can be taken thereto. It is well settled that once a domestic tribunal based on evidence comes to a particular conclusion, normally it is not open to the appellate Tribunals and Courts to substitute their subjective opinion in the place of the one arrived at by the domestic tribunals. In the instant case, the Labour Court after going into minute details of the matter held that the findings of the enquiry officer are not based on any material evidence and there is no evidence to accept that respondent No.1 was either negligent or that there was lack of anticipation on

his part and ordered reinstatement with continuity of service and 50% of back wages. The petitioner-management has not made out any case warranting interference of this Court and to take a different view than that of the Labour Court. The award of the Labour Court needs no interference.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 31.03.2006

Nsr/Ksr